

## Recommended Changes to Wisconsin Statutes By the Brownfields Study Group

TOPIC	Draft Language	RECOMMENDATION
1. Modify Negotiated Sale In Lieu Of Bidding For Tax Delinquent Brownfields Properties	Yes 2001-2003 Exec Budget Page 614, Item #11 LRB #1315	Create a statutory amendment to s.75.69(2), Wis. Stats., that would allow a county or city of the first class to transfer tax delinquent property it owns, without using the competitive bidding process, if environmental pollution is present and the property meets the definition of a brownfield under s.292.75(1)(a), Wis. Stats.
2. Assign Judgment Of A Tax Deed Without Taking Title	Yes 2001-2003 Exec Budget Page 613, Item #10 LRB#1314	-allow a county to execute a tax deed under s.75.14(1), Wis. Stats., to an individual under the same conditions as prescribed under s.75.106, Wis. Stats.; -allow the individual who has elected to accept a tax deed under the above conditions to commence an action to bar former owners under s.75.39, Wis. Stats.
3. Changes to Voluntary Party Liability Exemption statute, s. 292.15: <ul style="list-style-type: none"> <li>• Eliminate Interim Liability Exemption for Voluntary Parties</li> <li>• Natural Attenuation at Voluntary Party Sites</li> </ul>	Yes 2001-2003 Exec Budget Page 506, Item #18 LRB#1309 Page 506, Item #10 LRB#1312	The first change would eliminate the need for the department to create an insurance mechanism for voluntary parties at the time their site investigation is approved. The second change provides the department access to a property if natural attenuation has or is suspected to have failed, once a Certificate has been issued.
4. Local Government Liability Exemption for Certain Types of Solid Waste Sites	Yes 2001-2003 Exec Budget Page 613, Item #10 LRB#1314	This change provides that a local governmental unit that is exempt from the clean-up requirements for a property is also exempt from solid waste management standards and other legal requirements relating to solid waste for that property. This would not apply to licensed or approved facilities, nor a facility where the local government caused the contamination.
5. Provide clear statutory authority for the state to receive federal EPA brownfields revolving loan funds, and operate a federally funded revolving loan.	No Issue Paper Attached	-clarify that the state has authority to receive federal EPA funds (a grant) , under Public Law 107-118 (H.R. 2869) – the "Small Business Liability Relief and Brownfields Revitalization Act" to create a brownfields revolving loan fund administered by the state.
1. Modify the Environmental Remediation TIF statute, s. 66.1106, Stats.	Yes, 3 sets of changes incorporated into the attached language: 2001 AB510 (LRB #2253/2); Senate Amendment 1, to AB 510 (LRBa 1420/2); and additional Study Group changes	-include delinquent taxes as an eligible cost. -extend the ER TIF time period from 16 to 23 years -adopt the technical changes proposed by Revenue in the FY 2001-03 executive budget and AB 510. - makes changes retroactive to existing ER TIDs

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7. Modify the Development Zone Tax Credits	No, Issue paper attached	-allow tax credits to be transferable between parent/subsidiary and, similar to Illinois, to successive property owners. -clarify that the tax credit be applicable to the owner's State of Wisconsin income, and not just income generated at the property
8. Clarify that persons "exempt" from specific provisions in the Spill Law (e.g., lenders and local governments) are not subject to cost recovery by the DNR.	Yes, for dry cleaners; but not for other two provisions.	<ul style="list-style-type: none"> <li>- clarify that persons exempt from liability in the Spill Law are also exempt from cost recovery provisions in ss. 292.11, 292.31, 292.65, and 292.81, Stats.</li> <li>- Language attached for changes to s. 292.65, Stats., (Dry cleaners) but not for changes to 292.31 &amp; 292.81, Stats.</li> <li>- -LRB will need to draft cross-reference language for 292.31 and 292.81 regarding exempt parties and liens.</li> </ul>
9. Updates to the Environmental Repair law concerning the creation of the inventory, hazard ranking, remedial action schedule, and other updates	Yes. Language is attached.	<ul style="list-style-type: none"> <li>- clarify that the DNR will compile and maintain one data base of properties where hazardous substance discharges or environmental pollution has been reported to the DNR – eliminate the inventory and hazard ranking.</li> <li>- Eliminate the remedial action schedule requirement, as this is outdated.</li> <li>- Other technical clarifications.</li> </ul>
10. Language to clarify that the use of deed restrictions as part of an environmental clean up are enforceable by the DNR and run with the land once placed.	Yes. Language is attached.	<ul style="list-style-type: none"> <li>- Clarify that the DNR has the authority to require a deed restriction be placed on a property, in accordance with DNR clean up rules.</li> <li>- Clarify that DNR can enforce that requirement.</li> <li>- Clarify that the deed restriction runs with the land.</li> </ul>
11. Authorize DNR to create statewide, voluntary environmental insurance program for brownfields.	No. Issue paper is attached.	Create new statutory section in ch. 292, Stats., which would authorize the DNR to create a program that makes "pre-negotiated, set-price" environmental insurance coverage available – on a voluntary basis - to stimulate private and public investment in brownfields cleanup and redevelopment.
12. Streamline the Land Recycling Loan Program (LRLP)	No. Issue paper is attached.	<ul style="list-style-type: none"> <li>-Eliminate the use of the Intent to Apply (ITA) form, and the December 31 deadline associated with it</li> <li>-direct financing for Phase I and II environmental assessments, and site investigations</li> </ul>